IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Bail Appl..No. 7560 of 2007()

CRIME NO.655/07 OF CHENGHAMANAD POLICE STATION, ERNAKULAM

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PETITIONER : ACCUSED NO.7

SANIL,S/O.DEVASSY KUTTY,AGED 23 YEARS,
INCHAKKAL HOUSE,KAIPATTUR,KALADY P.O,ERNAKULAM.

BY ADV. SRI.K.R.VINOD
SMT.M.S.LETHA

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7560 of 2007

Dated this the 7th day of December, 2007

ORDER

Application for regular bail. Petitioner is the 7th accused. Altogether there are 7 accused persons. The crux of the allegation is that a big operation was planned by accused 1 to 6. They allegedly chased another vehicle, in which the defacto complainant was carrying a large amount of gold ornaments. Accused 1 to 6 in another vehicle proceeded and stopped the vehicle in which the defacto complainant was proceeding. The occupants of the car were robbed of the gold ornaments, which they were carrying, of the value of about Rs.31 lakhs. The miscreants went away with the booty. The role alleged against the petitioner is that he was passing on information to the miscreants about availability of the police party en route. This, it is alleged, was done in order to ensure safe passage of the miscreants who took part in the actual operation. The alleged incident took place on 11.08.07. The petitioner was arrested on 4.11.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner had only gone to

the police station along with father of the 3rd accused and only because he had so gone to the police station, the present false allegations have been raised against the petitioner. The allegations are inherently improbable. Going by the version of the police, for a consideration of Rs.5,000/-, the petitioner had engaged himself in the alleged culpable conduct.

3. The learned Public Prosecutor opposes the application. Investigation is not complete. Some of the principal accused have not been arrested so far. The petitioner may not be released on bail at this early stage of investigation, submits the learned Public Prosecutor. All the arrested accused have not been enlarged on bail, the learned Public Prosecutor further submits.

4. Having considered all the relevant inputs, I agree with the learned Public Prosecutor that the petitioner is not entitled for the invocation of the discretion under Section 439 Cr.P.C at this stage.

5. This application for regular bail is, in these circumstances, dismissed, but with the observation that the

petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 21.12.2007. The investigators shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-